

EXHIBIT 10

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**
5 **individually and on behalf of a class of**
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.
11 -----

12 **ORAL EXAMINATION OF PHILIP SERAFINI**

13 **APPEARING REMOTELY FROM**

14 **ERIE COUNTY, NEW YORK**

15 Monday, December 27, 2021

16 9:03 a.m. - 5:15 p.m.

17 pursuant to notice

18
19 **PAGES 324 & 325 DESIGNATED CONFIDENTIAL**

20
21 REPORTED BY:

22 Carrie A. Fisher, Notary Public

23 APPEARING REMOTELY FROM ERIE COUNTY, NEW YORK

DEPAOLO CROSBY REPORTING SERVICES, INC.

135 Delaware Avenue, Suite 301, Buffalo, New York 14202
716-853-5544

—PHILIP SERAFINI - BY MS. EZIE - 12/27/21—

1 Q. Did you take any steps to ensure that your
2 officers and lieutenants were not engaging in
3 racial profiling?

4 MR. QUINN: Form.

5 A. No.

6 Q. Okay. Now, am I correct that the Housing Unit
7 also had an involvement in traffic
8 checkpoints?

9 A. Sometimes they would conduct traffic safety
10 checkpoints in or around the Buffalo Municipal
11 Housing properties.

12 Q. Okay. How often was that the Housing Unit's
13 practice?

14 A. It was rare.

15 Q. In instances where the Housing Unit did
16 conduct checkpoints around BMHA properties,
17 what was the reasoning?

18 MR. QUINN: Form.

19 A. To enforce vehicle and traffic law and penal
20 law.

21 Q. Since it was rare, what, if anything, would
22 warrant the creation of a checkpoint to your
23 understanding?

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1 MR. QUINN: Form.

2 A. If we -- if we received a complaint that cars
3 were speeding through Buffalo Municipal
4 Housing property, we would conduct a traffic
5 safety checkpoint to try to curtail that
6 activity.

7 Q. Are there any other instances you can think of
8 where -- any other reasons why the Housing
9 Unit in particular engaged in checkpoints?

10 A. Well, as I said, just in response to
11 complaints we received from the Housing
12 residents.

13 Q. Okay. That's different than the Strike Force
14 checkpoints, correct? Those were not
15 complaint driven?

16 MR. QUINN: Form.

17 A. No, those -- those the Strike Force conducted
18 them on a daily basis.

19 Q. Okay. And am I correct that Housing Unit
20 officers would sometimes assist the Strike
21 Force in conducting those checkpoints?

22 A. Sometimes.

23 Q. What was the circumstance where the Housing

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—PHILIP SERAFINI - BY MS. EZIE - 12/27/21—

1 Unit would assist?

2 A. They required a minimum amount of officers to
3 conduct a traffic safety checkpoint. For the
4 safety of the officers it was a minimum amount
5 of officers. You couldn't conduct it with
6 just two officers. So sometimes if the Strike
7 Force was shorthanded, meaning they didn't
8 have enough personnel, a couple of the Housing
9 officers would assist them.

10 Q. Were those overtime details for the Housing
11 Unit?

12 A. Sometimes they -- sometimes -- no but
13 sometimes they were on overtime and they would
14 work it, but it wasn't specifically for the
15 traffic safety checkpoint as far as the
16 Housing officers are concerned.

17 Q. Got it. Now, you described earlier that you
18 would receive instructions from higher-ups at
19 the BPD about the operation of the Strike
20 Force checkpoints from time to time, correct?

21 A. Yes.

22 MR. QUINN: Form.

23 Q. I'd like to turn to what has been marked as

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—PHILIP SERAFINI - BY MS. EZIE - 12/27/21—

1 MS. EZIE: Unless you're objecting for
2 privilege, Mr. Quinn, he may answer.

3 MR. QUINN: Inappropriate question to
4 ask him to guess.

5 Q. What's your understanding of why -- I will
6 rephrase.

7 What's your understanding of why Deputy
8 Commissioner Lockwood was a supporter of the
9 Housing Unit?

10 MR. QUINN: Form.

11 A. He saw a need. He saw a need for more
12 personnel specifically assigned to the Buffalo
13 Municipal Housing Authority properties.

14 Q. And so Deputy Commissioner Lockwood,
15 Commissioner Derenda, the Chiefs Brinkworth
16 and Young, they all approved and signed off on
17 your activities during the time that you were
18 Housing Unit captain?

19 MR. QUINN: Form.

20 A. Yes.

21 Q. Okay. Now, I'd like to switch to the topic of
22 checkpoints.

23 Mr. Serafini, how often would you say

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1 that Housing Unit officials were involved in
2 the operation of Strike Force checkpoints?

3 A. When we had the daytime details which were
4 intermittent, we would have them for a few
5 weeks and then we wouldn't have them. They
6 were involved because one of the duties during
7 the checkpoints -- or during the daytime
8 details was to conduct one checkpoint,
9 usually.

10 Q. At least one checkpoint?

11 A. Usually. I say that manpower permitting,
12 weather conditions permitting.

13 Q. So weather conditions and manpower permitting,
14 checkpoints -- Strike Force checkpoints were
15 supposed to occur on a daily basis?

16 A. When we had it -- sorry. When we had a
17 detail, the daily detail, the five-hour daily
18 detail was not on a regular daily basis. It
19 was intermittent.

20 Q. Okay. It's true, however, that there was a
21 program within the BPD of running daily
22 checkpoints weather and manpower permitting
23 for several years, correct?

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1 MR. QUINN: Form.

2 A. That was the Strike Force, not the Housing
3 Unit.

4 Q. Okay. Are you familiar with the Strike
5 Force -- the Strike Force's daily checkpoints?

6 MR. QUINN: Form.

7 A. Yes.

8 Q. Okay. So the Strike Force had a practice of
9 running daily checkpoints for a period of
10 several years?

11 A. During the time that I was there, yes, weather
12 and manpower provided.

13 Q. Okay. And the Housing Unit would join those
14 checkpoints if or when there was a daytime
15 detail approved?

16 MR. QUINN: Form.

17 A. The Housing performed their own checkpoints if
18 there was manpower and if the weather was
19 permitting during the daytime details, the
20 five hour -- I believe it was five hours a
21 day.

22 Q. Those were the checkpoints you described as
23 occurring at BMHA -- at or near BMHA

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1 properties?

2 A. That's correct, yes.

3 Q. Were those checkpoints run in conjunction with
4 the Strike Force or solely with Housing Unit
5 personnel?

6 MR. QUINN: Form.

7 A. Again, if there weren't enough Housing
8 manpower to run that on their own, sometimes
9 Strike Force would assist them. Sometimes --

10 Q. Okay.

11 A. -- if there wasn't enough manpower, they
12 wouldn't run it.

13 Q. What's your estimate of how many checkpoints
14 the Housing Unit ran pursuant to those
15 overtime details during your time as captain?

16 MR. QUINN: Form.

17 A. That's hard because we would have the detail
18 for a month or two and then it would stop and
19 then two months later they would start it
20 again. Then they would only start it on
21 Fridays or Saturdays. And then in the summer
22 it would be all week long. It's hard to
23 predict. If you look back on all the reports,

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1 should be conducted in that vicinity."

2 Correct, that's what it states?

3 A. Yes, I see that.

4 Q. Okay. What was the source of this guidance
5 that you were providing the Strike Force
6 lieutenants?

7 MR. QUINN: Form.

8 A. Well, as I mentioned before, the Strike Force
9 lieutenants a lot of times determined the
10 locations of the traffic safety checkpoints.
11 And if there was a shooting, for example, the
12 night before or if they had problems while
13 they were working the night before, if they
14 heard violence going on in a certain area,
15 then the next day they were expected to set up
16 the traffic safety checkpoint in that area or
17 around that area.

18 Q. Why?

19 A. Because it's been proven where we set up the
20 traffic safety checkpoint crime would be
21 curtailed.

22 Q. Got it. So following that strategy allowed
23 for the checkpoints to be a crime prevention

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1 it. All right?

2 A. Thank you.

3 Q. Do you want to take 10 minutes this time?

4 A. That's fine. Thanks.

5 Q. Thanks.

6 (A recess was taken.)

7

8 BY MS. EZIE:

9 Q. Okay. Mr. Serafini, earlier we were speaking
10 about TraCS and ENTCAD and I think it's fair
11 to say you didn't really engage those systems
12 much. Are you aware that TraCS allows --
13 sorry, that these systems allow for the race
14 of motorists to be recorded alongside ticket
15 information?

16 A. I wasn't aware of that, no.

17 Q. Did you ever -- so fair to say that you never
18 instructed your officers to try and record the
19 race of motorists who they stopped?

20 A. No.

21 MR. QUINN: Form.

22 Q. Okay. And now there were, however, a number
23 of paperwork practices that you engaged in on

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1 one hand as chief of the Housing Unit and on
2 the other hand as someone that helped with
3 administration of the Strike Force, correct?

4 A. Yes, as captain of the Housing Unit, right.

5 Q. Correct, okay. And so that included creating
6 reports that officers could fill out regarding
7 the number of arrests they made, for instance?

8 A. Yes.

9 Q. The number of traffic summonses they issued?

10 A. Yes.

11 Q. The number of vehicles they impounded?

12 A. Yes.

13 Q. Among other police functions. And you
14 documented this both for the Housing Unit as
15 well as the Strike Force, correct?

16 A. Yes.

17 MR. QUINN: Form.

18 Q. Okay. And it was your practice to review this
19 information as well as to report it out to
20 higher-ups at the BPD?

21 A. Yes.

22 Q. That includes the commissioner of the BPD,
23 Commissioner Derenda?

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1 A. Yes.

2 Q. As well as Deputy Commissioner Lockwood?

3 A. Yes.

4 Q. Deputy Commissioner Beaty when she -- it's a
5 she, I believe, when she joined --

6 A. Yes, when she was in that position.

7 Q. Okay. Also Chief Young?

8 A. Yes.

9 Q. And Chief Brinkworth before Chief Young?

10 A. Yes.

11 Q. Okay. Why was it your practice to provide
12 information of the nature we just discussed to
13 all of those individuals?

14 MR. QUINN: Form.

15 A. It was my responsibility. It was part of my
16 duties.

17 Q. And what was the importance of those numbers
18 as you understood it?

19 MR. QUINN: Form.

20 A. Did you say what was the importance?

21 Q. Yes.

22 A. It's a certain measure of production for
23 police officers.

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1 Q. It was important for your officers to be
2 productive and to have high production?

3 A. To show the work they were doing.

4 Q. And that work included, you know, making
5 arrests and issuing summonses, impounding
6 cars?

7 A. Yes.

8 Q. Okay. And am I correct that there were times
9 where -- am I correct that you were expected
10 to have high production when it came to those
11 metrics?

12 MR. QUINN: Form.

13 A. Well, I don't know what you mean by "high
14 production" but you're expected to do some
15 work during the tour unless there were
16 extenuating circumstances where you weren't on
17 patrol.

18 Q. Okay. But work, again, as we're describing it
19 here is producing arrests, summonses,
20 impounds, etcetera?

21 MR. QUINN: Form.

22 A. That's a part of it, a part of it.

23 Q. And am I correct that there were times where

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1 STATE OF NEW YORK)

2 COUNTY OF ERIE)

3
4 I, Carrie A. Fisher, Notary Public, in and
5 for the County of Erie, State of New York, do
6 hereby certify:

7 That the witness whose testimony appears
8 hereinbefore was, before the commencement of
9 their testimony, duly sworn to testify the
10 truth, the whole truth and nothing but the
11 truth; that said testimony was taken remotely
12 pursuant to notice at the time and place as
13 herein set forth; that said testimony was taken
14 down by me and thereafter transcribed into
15 typewriting, and I hereby certify the foregoing
16 testimony is a full, true and correct
17 transcription of my shorthand notes so taken.

18
19 I further certify that I am neither counsel
20 for nor related to any party to said action,
21 nor in anyway interested in the outcome
22 thereof.

23
IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed my seal this
12th day of January, 2022.

19
20 

21 Carrie A. Fisher
22 Notary Public - State of New York
23 No. 01FI6240227
Qualified in Erie County
My commission expires 5/02/23

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